

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Brian Keith Pippitt,

Civ. No. 08-4929 (ADM/JJK)

Petitioner,

v.

Warden Terry Carlson,

**ORDER**

Respondent.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated February 25, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus (Doc. No. 20) is **GRANTED**;

2. The Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1) is **DENIED**; and

3. This action is **DISMISSED WITH PREJUDICE.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: March 31, 2009

s/Ann D. Montgomery

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ANN D. MONTGOMERY  
United States District Judge